

SUMMARY OF INVESTIGATION REPORT
for
GREAT FALLS PUBLIC SCHOOLS

On September 15, 2011, Great Falls High School Counselor Kathy Van Tighem and Associate Principal Heather Hoyer were notified of alleged inappropriate conduct called "power gobbling" involving two students in the locker room during football season. The report was initially made to Ms. Van Tighem by the mother of a student alleging to be the victim of the inappropriate conduct. Ms. Van Tighem then notified Ms. Hoyer as the District employee responsible for handling sexual harassment complaints. The mother requested that action be taken to stop the inappropriate locker room conduct, but also requested her son's identity be kept anonymous and confidential. The mother further asked that Ms. Hoyer not call the student to her office.

Ms. Hoyer immediately informed Head Football Coach Matt Krahe of a report of inappropriate conduct in the locker room and directed him to take action to halt inappropriate locker room behavior, but honored the Mother's request for confidentiality and did not provide Mr. Krahe information regarding the identities.

Based upon the totality of information provided during this investigation, it appears that Mr. Krahe immediately addressed the team about a general report of misconduct, stated it would not be tolerated, and warned of the consequences for engaging in misconduct, to include being dismissed from the team. The weight of the evidence also indicates that Mr. Krahe and the other assistant football coaches increased supervision in the locker room and acted in accordance with District standards for supervision in the locker room. Coaches reported that they did not witness any behavior similar to what has now been described as power gobbling. Both Ms. Van Tighem and Ms. Hoyer made it clear to the mother that if the conduct did not stop or continued, they needed to know. There were no other reports of locker room misconduct after September 15.

Ms. Hoyer expected the student to file a formal complaint as soon as the football season ended on October 28, 2011. Ms. Hoyer encouraged the mother and other family members to allow her to speak with the student and make a report. She intended to commence an investigation as soon as the student made a report. On November 11, 2011, the student completed a Title IX report.

Although Montana law and District policy requires an employee who has reason to suspect abuse or neglect of a student to report to the Department of Public Health and Human Services, the guidance issued by DPHHS appears to primarily focus on

abuse within the family structure or within the student's living situation. Because this involved student to student conduct, the District employees were uncertain that a report was required. The District employees also believed they had insufficient information to make a report and did not report any suspicions to DPHHS. Further, neither Ms. Van Tighem nor Ms. Hoyer apparently informed any other administrator about the report from the mother. Ms. Hoyer also considered the mother's request for anonymity and confidentiality to be paramount.

The GFH faculty handbook notes that "when a law is broken or there is an immediate safety issue, the SRO will be involved." When Ms. Hoyer first spoke with the mother, Ms. Hoyer explained that she needed the student to come forward and file a complaint and that he could talk to the SRO or any of the male administrators. Ms. Hoyer did not report the information received from the mother to the SRO. She did not because they did not believe they had sufficient information to do so. Ms. Hoyer also was intent on maintaining confidentiality, as requested by the mother, and she believed she had immediately addressed the safety issue.

Ms. Van Tighem and Ms. Hoyer appropriately recognized that the report from the mother fell within the purview of Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulations, 34 C.F.R. Part 106. Ms. Van Tighem properly reported the information to Ms. Hoyer as Title IX Coordinator, which is consistent with the training she was provided. Ms. Hoyer took steps to ensure that the conduct not reoccur as required by Title IX. It appears that there are shortcomings in training on specific grievance procedures that provide for the prompt investigation of any reports of or suspicions of sexual harassment that may be impacting its students.